

Serial No 10/623,866
Amendment Dated: June 17, 2008
Reply to Office Action Mailed: March 17, 2008
Attorney Docket No. 101246.52582US

REMARKS

Status of Claims

Claims 1-3 and 7-24 are pending, with claims 1, 9, 13, 19, 21 and 24 being independent. Claims 9 and 13-19 have been withdrawn. Claims 1 and 24 have been amended. Support for the amendment to claim 1 can be found in the specification at least at FIG. 7 and page 16, lines 7-23. Support for the amendment to claim 24 can be found in the specification at least at page 3, line 27-page 4, line 8. As such, no new matter has been added.

Initially, Applicant would like to thank the Examiner for allowing claims 21 and 22 and for entertaining an interview after final rejection with Applicant's representatives on June 12, 2008.

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-3, 7, 8, 10-12, 20, 23 and 24 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

In regard to claims 1-3, 7, 8, 10-12, 20, and 23, the Examiner states "[i]f Applicant is trying to claim grooves 53a, 53b...these grooves are not part of the first or second diffusion portions but are part of gas supply to the center area. The first and second diffusion portions supply gas to the end portion, and the claim should be amended so that the grooves are not part of the first or second diffusion portion." Office Action at page 2. The Examiner further

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stated that such amendment of the claim would place claims 1-3, 7, 8, 10-12, 20, and 23 in condition for allowance. Office Action at pages 2-3.

As discussed during the interview, Applicant intended to claim grooves 53a, 53b. As proposed during the interview, Applicant has amended independent claim 1 to specify that the plurality of grooves are part of the second disk and not part of the first or second diffusion portion.

Accordingly, withdrawal of the rejection of claims 1-3, 7, 8, 1-12, 20, and 23 under §112, first paragraph is respectfully requested.

In regard to claim 24, the Examiner alleges claim 24 is based on a hybrid embodiment of the first embodiment of the invention, depicted in Figures 2-4, and the second embodiment of the invention, depicted in Figure 5.

Claim 24 has been amended to remove language directed to the second embodiment of the invention. As such, Applicant believes the amendment to claim 24 obviates the rejection.

Accordingly, withdrawal of the rejection of claim 24 under §112, first paragraph is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 10, 20 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,884,009 ("Okase"). Applicant respectfully disagrees with the rejection; therefore, this rejection is respectfully traversed.

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According to M.P.E.P. § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987).

As amended, independent claim 1 requires a first gas flow passage passes through said first disk and said second disk via a plurality of grooves formed in one side of said second disk in fluid communication with each other and extending radially from approximately the center of the second disk, a first one of said grooves being in fluid communication with a through hole located in said first disk at an end portion of said first groove, and the remaining grooves having through holes formed therein.

Applicant respectfully submits Okase does not disclose or suggest a first gas flow passage passes through said first disk and said second disk via a plurality of grooves formed in one side of said second disk in fluid communication with each other and extending radially from approximately the center of the second disk, a first one of said grooves being in fluid communication with a through hole located in said first disk at an end portion of said first groove, and the remaining grooves having through holes formed therein. Accordingly, withdrawal of the rejection of claims 1, 10, 20 and 23 under § 102(b) is respectfully requested.

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Claim Rejections Under 35 U.S.C. § 103

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Okase. Applicant respectfully disagrees with this rejection; therefore, this rejection is respectfully traversed.

As discussed above, Okase does not disclose or suggest a first gas flow passage passes through said first disk and said second disk via a plurality of grooves formed in one side of said second disk in fluid communication with each other and extending radially from approximately the center of the second disk, a first one of said grooves being in fluid communication with a through hole located in said first disk at an end portion of said first groove, and the remaining grooves having through holes formed therein. Since claims 2 and 3 are dependent, either directly or indirectly, upon independent claim 1, Applicant respectfully submits Okase does not disclose each and every element of claims 2 and 3.

Therefore, for at least the above-noted reasons, Applicant respectfully requests that the obviousness rejection of claims 2 and 3 over Okase be withdrawn.

Claims 7, 8, and 10-12 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Okase in view of U.S. Patent No. 5,595,606 ("Fujikawa et al."). Applicant respectfully disagrees with this rejection; therefore, this rejection is respectfully traversed.

Fujikawa et al. is merely cited for teaching linear holes or diffusion portions made by boring the linear holes and sealing the ends of the holes.

As discussed above, Okase does not disclose or suggest a first gas flow passage passes through said first disk and said second disk via a plurality of grooves formed in one

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side of said second disk in fluid communication with each other and extending radially from approximately the center of the second disk, a first one of said grooves being in fluid communication with a through hole located in said first disk at an end portion of said first groove, and the remaining grooves having through holes formed therein. As cited, Fujikawa et al. does not correct the deficiencies of Okase.

Therefore, for at least the above-noted reasons, Applicant respectfully requests that the obviousness rejection of claims 7, 8, and 10-12 over Okase in view of Fujikawa et al. be withdrawn.

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Conclusion

Without conceding the propriety of the rejections, the claims have been amended, as provided above, to even more clearly recite and distinctly claim Applicant's invention and to pursue an early allowance. For the reasons noted above, the art of record does not disclose or suggest the inventive concept of the present invention as defined by the claims.

In view of the foregoing remarks, reconsideration of the claims and allowance of the subject application is earnestly solicited. In the event that there are any questions relating to this application, it would be appreciated if the Examiner could telephone the undersigned attorney concerning such arguments so that prosecution of this application may be expedited.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101246.52582US).

Respectfully submitted,

June 17, 2008

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Karen Delpatch

Karen Delpatch

Date: June 17, 2008